

THE HONORABLE KYMBERLY K. EVANSON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PAMINA, LLC, as owner of the vessel, *M/V PAMINA* (Official Number 1143720), BRIAN PICKERING and LAURIE PICKERING, as sole members of PAMINA, LLC, and MARKEL AMERICAN INSURANCE COMPANY, as subrogee of Pamina, LLC, Brian Pickering and Laurie Pickering,

Third-Party Plaintiffs,

v.

DELTA MARINE INDUSTRIES, INC., N C POWER SYSTEMS CO., GLENDINNING PRODUCTS LLC, and DOCKMATE, INC.,

Third-Party Defendants,

IN RE: COMPLAINT AND PETITION OF PAMINA, LLC, as owner of the vessel, PAMINA, FOR EXONERATION FROM OR LIMITATION OF LIABILITY

IN ADMIRALTY

No. 2:22-cv-01679-KKE

STIPULATED MOTION AND ORDER
TO CONTINUE TRIAL DATE

I. RELIEF REQUESTED

The Parties hereby jointly stipulate and move the Court to continue the trial date, and related pre-trial deadlines, in this matter. The parties have exchanged thousands of pages of discovery documents and are scheduling both depositions and an inspection of the subject vessel/its parts in the near future. Nevertheless, additional time is needed to complete discovery,

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1 conduct a productive mediation, and prepare the case for trial. Accordingly, the Parties
 2 respectfully ask the Court to continue the trial date from October 7, 2024 to March 24, 2025, and
 3 also change corresponding pre-trial deadlines.

4 II. FACTS

5 This is an admiralty case arising from a maritime allision on May 28, 2022 in Seattle's
 6 Ballard Locks. Third-Party Plaintiff Pamina, LLC, the owner of the vessel that allegedly caused
 7 the allision, claims that the boat reversed without warning while inside the locks, causing it to
 8 collide with several other vessels. On November 22, 2022, Pamina, LLC filed this action for
 9 Exoneration from Limitation of Liability ("LOLA") under federal law and court rules (Dkt. #1).
 10 Four parties filed claims in Pamina, LLC's LOLA action. (*See* Dkt. ## 15, 19, 22, 23). Pamina,
 11 LLC, via its insurer, thereafter filed a third-party complaint against four separate third-party
 12 defendants herein. (Dkt. #26). All told, there are 10 (or more) parties in this suit, and 11 law firms
 13 representing them. (Dkt. #63-1 at p. 9-10).

14 The Parties jointly moved for a continuance of the initially set trial date on October 31,
 15 2023. (Dkt. #100). The Court granted that motion the same day. (Dkt. #100 at p. 8). The amended
 16 case scheduling order set an expert report deadline for March 4, 2024. Discovery is to be
 17 completed by June 14, 2024.

18 Discovery has actively proceeded throughout the fall and winter. The parties have sent
 19 and answered numerous sets of Interrogatories, Requests for Production, and Requests for
 20 Admission, and thousands of pages of documents have been produced. Multiple depositions are
 21 being planned in the near future, and the deposition of Plaintiff-in-Limitation Brian Pickering
 22 took place on Friday, February 9, 2024. Ample expert discovery will also occur after the expert
 23 report deadline, as all or nearly all of the parties have (at least) a liability expert.

24 Further, the Parties have conferred and agreed upon a mediator, and are working to
 25 schedule a mediation in Summer 2024. The Parties expect to confirm a date within the next week.
 26 The Parties believe there is a reasonable chance this case resolves via mediation. However,
 27

1 additional discovery is needed before conducting a productive mediation, which is simply not
2 possible under the current case schedule.

3 Similarly, due to the holidays and the number of parties (including experts) involved, an
4 in-person inspection of the boat and its parts is not expected to occur until February 28 and 29,
5 2024. With an expert disclosure deadline less than a week later on March 4, 2024, there will be
6 insufficient time for experts, who will attend the inspection, to analyze their findings and prepare
7 a report as required by Fed. R. Civ. P. 26(2).

8 The Parties, based on the foregoing, therefore jointly agree to a continuance of the trial
9 date and associated pre-trial deadlines as set forth herein.

10 **III. ARGUMENT**

11 Fed. R. Civ. P. 16 and Local Rules W.D. Wash. LCR 16 govern case scheduling matters.
12 W.D. Wash. LCR 16(b)(6) states as follows: “The parties are bound by the dates specified in the
13 scheduling order. A schedule may be modified only for good cause and with the judge’s consent.
14 Mere failure to complete discovery within the time allowed does not constitute good cause for
15 an extension or continuance.” This Court also previously confirmed that the case schedule dates
16 may only be changed by its own Order. (Dkt. ## 64 at p. 2, 100 at p. 8).

17 Good cause exists to continue the trial date here. This is a complex admiralty case
18 involving numerous parties, attorneys, and issues. The parties have conducted substantial
19 discovery, as outlined above, but more remains. An extension of the trial date will allow the
20 parties to fully develop their claims and defenses for trial.

21 Equally important, a continuance will maximize the chances this case resolves at or
22 around mediation this summer. Allowing for additional discovery will ensure the parties have
23 the necessary information to evaluate the claims and defenses, and a continuance will provide
24 additional breathing room so the parties are not incurring potentially avoidable trial preparation
25 costs that will make a pre-trial resolution more challenging.

26 Relatedly, an extension of the expert report deadline is needed given the delays in setting
27 a vessel/parts inspection date. There is insufficient time after the inspection, scheduled for

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February 28 and 29, 2024, for the parties' experts to produce a full and complete expert report (by March 4, 2024).

Based on the foregoing, the Parties respectfully request the Court continue the trial date and pre-trial deadlines substantially as follows:

<i>Deadline</i>	<i>Current Date</i>	<i>Proposed Date</i>
BENCH TRIAL DATE	October 7, 2024	March 24, 2025
Reports from experts	March 4, 2024	September 10, 2024
Discovery Completed by	June 14, 2024	December 2, 2024
Dispositive motions filed by	July 12, 2024	December 19, 2024
Motions in limine filed by	August 28, 2024	February 6, 2025
Joint pretrial statement	September 3, 2024	February 21, 2025
Pretrial conference	September 27, 2024	March 14, 2025
Length of bench trial	7-10 days	7-10 days

IV. CONCLUSION

The Parties therefore jointly ask the Court to enter the above-stated amended case schedule and trial date.

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1 Dated this 14th day of February, 2024

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ORDER

The Court GRANTS the parties' stipulated motion to continue the trial date. Dkt. No. 107. The previous case schedule (Dkt. No. 100) is VACATED, and the parties are now required to follow the below case schedule to prepare this matter for trial:

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BENCH TRIAL DATE	October 7, 2024	March 24, 2025
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DATED: February 14, 2024.



Kymberly K. Evanson
United States District Judge